

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.4932 of 2006

Date 06-10-2007

Between:

Y.P.R.College of Engineering & Technology, Haveli Ghanapur, Medak district.

..... PETITIONER

AND

The Employees Provident Fund Organisation Sub Accounts Office, 12-1 Sasheeram Complex, Patencheru, Medak District and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.4932 of 2006

ORDER:

This Court issued Rule Nisi on 20-03-2006 and granted interim suspension.

This writ petition is filed questioning the order No.AP/39448/Enf/PTC/SAO/2005/956 issued by the respondents under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the Act').

It is stated that the petitioner-college was started with effect from October, 2001 and vide proceedings dated 26-02-2004 it was allotted code No.AP/SAP/PTC/39448 stating that it is covered under the provisions of the Act with effect from 01-11-2001. It is also stated that the respondents, vide proceedings dated 03-01-2005, directed the petitioner-college for payment of Employees' Provident Fund (for short 'EPF') contributions from November, 2001 to November, 2004 and on 31-01-2005, he was informed to deposit the EPF contributions and, accordingly, vide letter dated 02-02-2005, a sum of Rs.2,81,176/- had been deposited towards EPF contributions. It is further stated that by proceedings dated 09-05-2005, the respondents communicated that an inspection report dated 07-05-2005 was filed by the Enforcement Officer and as per the report, a sum of Rs.11,98,281/- was outstanding in respect of the petitioner-college from November, 2001 to March, 2005. Thereafter, a show cause notice dated 04-05-2005 was issued for payment of Rs.11,70,736/- and in the meanwhile, the petitioner-college deposited a sum of Rs.2,72,266/- and the first respondent passed the impugned order determining the total outstanding amount as Rs.11,98,281/-. It is also stated that the respondents had not taken into consideration the coverage effected vide order dated 26-

02-2004 from 01-11-2001 and though some of the employees left the establishment, the respondents are taking the amounts pertaining to them also. Petitioner contends that the impugned order does not give any details of the amounts arrived at for payment of EPF contributions, that the respondents had not furnished the inspection report of the Enforcement Officer dated 01-06-2005 and therefore, they are wholly illegal and contrary to law. It is also stated that the second respondent had threatened to attach the properties of the petitioner-college and in those set of circumstances, the petitioner-college approached this Court and obtained interim suspension as specified supra.

WVMP.No.2209 of 2007 is filed to vacate the interim order. It is stated that it is incorrect to state that the petitioner-college has no alternative remedy since the impugned order was made under Section 7-A of the Act and as against such an order, an appeal would lie to the EPF Tribunal under Section 7-I of the Act. Thus, in view of the availability of the effective remedy, the respondents are refrained from giving reply to the merits and demerits of the matter. In the light of the facts and circumstances, since an effective alternative remedy is available to it, the petitioner-college to prefer an appeal to the appellate Tribunal within a period of four weeks from the date of receipt of a copy of this order and the interim suspension granted by this Court to continue pending appeal on condition of the petitioner-college depositing half of the amount within a period of six weeks. It is needless to say that the amount, if any, already had been paid, the same to be given credit to.

Accordingly, the writ petition is disposed of. No order as to costs.

06-10-2007

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